

Plan Commission
Initiated by

Planning / Zoning
Drafted by

April 19, 2011
Date

RESOLUTION R-42-11
A RESOLUTION APPROVING AMENDMENT 7 TO ORCHARD POINTE
COMPREHENSIVE DEVELOPMENT PLAN

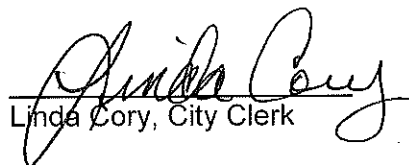
WHEREAS, Deborah Hatfield of JSD, agent for EZ Nesbitt LLC, has submitted a request to the City to amend the approved Comprehensive Development Plan (CDP) for Orchard Pointe, by a document entitled "Orchard Pointe Comprehensive Development Plan Amendment Seven," and

WHEREAS, the Plan Commission has reviewed and recommended approval, with conditions, of amendment seven to the Comprehensive Development Plan,

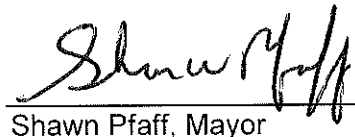
NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Fitchburg herewith approves the amendments to the Comprehensive Development Plan for Orchard Pointe subject to the following conditions:

1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.

Adopted by the City Council of the City of Fitchburg this 26th day of April, 2011.


Linda Cory, City Clerk

Approved: 5-3-2011


Shawn Pfaff, Mayor

Orchard Pointe

Comprehensive Development Plan

Amendment Seven

PREPARED FOR

EZ Nesbitt LLC
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Madison, WI 53718

PREPARED BY

JSD ***Professional Services, Inc.***

• Engineers • Surveyors • Planners

161 Horizon Drive, Suite 101
Verona, WI

Project 08-3328 (T14)
March 22, 2011

APPROVED

Plan Comm. approved
4/19/2011

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Attachments

- A. Orchard Pointe Amendment 7, Firestone/Aldi Site Plan (03-17-2011)
- B. Table 1 Development Parameters (comparing approved Orchard Pointe CDP with proposed amendment)
- C. Orchard Pointe Amendment 7 Comparison Table

Introduction/ Chronology

The Orchard Pointe Comprehensive Development Plan (CDP) was adopted by the City of Fitchburg in April 2006 after extensive public review and discussion. The CDP established the framework for the commercial development of approximately 120 acres located in the southwest quadrant of the McKee Road x Verona Road intersection.

The Plan addressed various development issues and established parameters for land use, zoning, public improvements, architectural character, traffic circulation, storm water management and open space preservation.

During the course of discussion on the CDP, the City and the property owners acknowledged that the sequence of development in this area would require revision and amendment in order to incorporate final building designs, property assembly, land uses, rezoning and land divisions that had not been completed or contemplated at the time of the initial CDP was approved.

This amendment is the seventh amendment of the CDP and focuses on Lots 3, 4, and 6th Orchard Pointe Plat. This portion of Orchard Pointe comprises the frontage lots between Fitchrona Road and Hardrock Road.

Orchard Pointe Chronology

2002 through 2005	General planning.
April 2006	Orchard Pointe Comprehensive Development Plan (CDP) approved.
July 2006	Rezoning of Orchard Pointe approved (Ord.# 2006-O-17) and (Ord.# 2006-O-18)
September 2006	Super Target Store site plan and land division approved.
January 2007	Orchard Pointe CDP Amendment One – Relating to lands east of Fitchrona Road, the re-alignment of Hardrock Road (Orchard Pointe II Preliminary Plat), and the Rezoning of McKee Road frontage easterly from Fitchrona Road approved (Ord.# 2007-O-05) Relating to Lots 1, 2, 3, 4 and 7 Orchard Pointe II Preliminary Plat.
January 2008	Orchard Pointe CDP Amendment Two – Relating to uses and open space for Phase One of <i>The Shops at Orchard Pointe</i> .
July 2008	Orchard Pointe CDP Amendment Three – Relating to uses and open space for Phase Two of <i>The Shops at Orchard Pointe</i> .

- September 2008 **Orchard Pointe CDP Amendment Four** – Relating to the gross floor area permitted on Lot 1 of CSM 11969
- December 2008 **Orchard Pointe CDP Amendment Five** – Relating to uses and development of *The Shops at Orchard Pointe 2* (Lot 3) and an amendment of the land uses allowed on Lot 8.
- October 2009 **Orchard Pointe CDP Amendment Six** – Relating to uses and development of Lots 3, 4, 6 and 8.
- March 2011 **Orchard Pointe CDP Amendment Seven** – Relating to zoning, conditional uses for Lot 6 and site plan revision for frontage Lots 3, 4 and 6.

Background

The initial Orchard Pointe CDP planned for the potential development of the McKee Road frontage as three separate sites that would stair-step down the slope from Fitchrona Road to Hardrock Road. At that time the anticipated uses included a restaurant at the Fitchrona Road corner (lot 3), a bank or credit union (lot 4), and office and retail uses at the Hardrock Road corner (lot 6). In December 2008, the City approved Amendment Five which, among other things, revised lot 3 permitted uses from Restaurant to Specialty Retail and Office.

As a result of the site planning discussion relating to Amendment Five, the owner began to explore development options for Lots 4 and 6 which could efficiently incorporate and accommodate the significant 53 foot change in elevation that exists between Lot 3 and Hardrock Road. These options included engineered landscape retaining walls, structural foundation walls (incorporating the grade change into building design), and constructing a decked parking structure. After a thorough evaluation, the owner determined that incorporating the grade differential into the structural foundation of a building was the most cost efficient and provided a potentially economically viable and marketable commercial site.

Amendment Six approved the development site plan for Lots 4 and 6 which included a two level building on Lot 6. The lower level of this building would house a grocery store and would be accessed from Hardrock Road (from the east). The upper level of this building was to be specialty retail uses facing west towards the shared parking lot located on Lots 3 and 4 and accessed from the private frontage street.

Description

Amendment Seven proposes the following change to the zoning and uses of the McKee Road frontage between Fitchrona Road and Hardrock Road

Lot 6

- Rezone Lot 6 to B-H (Business Highway) from B-G (Business General) and grant two Conditional Use Permits: 1) to allow the existing 17,000 GFA Discount Grocery occupying the lower level of the two story building on Lot 6 and 2) to permit the construction of a 10,900 GFA Tire Store with minor auto repair services to occupy the upper level of the building. (Note: The conditional use permit for the existing grocery store is a consequence of the rezoning of the lot to the B-H district).
- Amend the site plan for the Specialty Retail use located on Lot 3 to permit a covered “drive thru” drop-off lane requested by the prospective tenant.

This amendment to the Orchard Pointe CDP is required to accommodate the proposed changes in land uses and zoning designations. The other aspects of the development along the McKee Road Frontage are consistent with the Orchard Pointe CDP, as amended, inclusive of the architectural guidelines, which continue to be applicable to this location.

Development parameters relating to zoning, building size, parking, open space, and traffic generation are summarized in Table 1 “Development Parameters”. See Attachment B.

Sequence of Needed Approvals

1. CDP Amendment.
2. Rezoning
3. Conditional Use Permit for proposed use/tenants as needed.
4. Conditional Use Permit review of site plan and Architectural Review of individual development sites.

Effect of the Proposed CDP Amendment Seven

Attachment C is a table comparing the proposed Amendment Seven with the development parameters of the currently approved CDP.

Parking. For purposes of this analysis the “upper” commercial area includes the business space and uses proposed on Lots 3 and 4, plus the retail spaces in the upper level of the building on Lot 6. This “upper” area includes 27,000 SF of retail space and 2,880 SF of restaurant. City ordinance requires a **minimum** of 108 parking stalls for this “upper” area. A **maximum** of 147 surface stalls is permitted by the formula in the approved CDP (Note: the CDP parking maximum was established in order to limit the total impervious area and expansive parking lots that often accompanied commercial development).

The proposed site plan shows 123 vehicle stalls and 22 bicycle stalls supporting the uses in this “upper” lot portion of the development area of Lots 3 and 4(6). The proposed drop-off drive on Lot 3 eliminates vehicle 4 stalls that were shown on the previously approved site plan.

Traffic Generation and Circulation. The approval of the initial Orchard Pointe CDP included a provision that the projected traffic impacts of future land uses would need to be generally consistent with, **but could not exceed**, the vehicle trip generation projections which were included in the Traffic Impact Analysis report and supplemental information prepared by Strand and Associates, and RLK Engineering. These projections and the anticipated vehicle trips for the various uses and building sizes in Orchard Pointe have been included in Table 1 in order to monitor the potential impacts of this development.

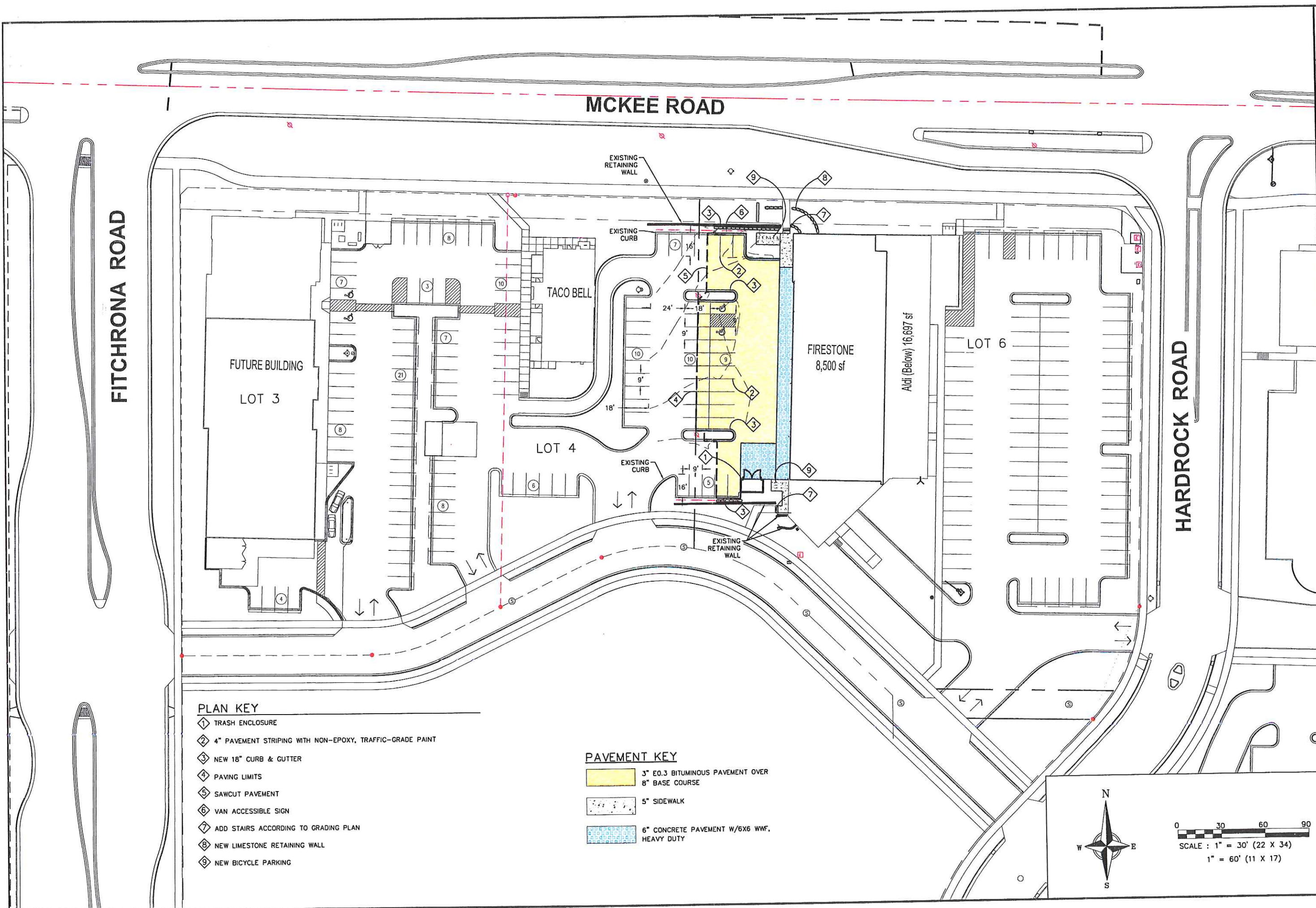
The proposed changes in building size and land use do not exceed the projected traffic generation limitations established in the initial CDP.

Open Space Preservation. Orchard Pointe is required by the approved CDP to have at least 35% of the total area to be open space. This goal is achieved by the requirement that each lot, at a minimum, maintain at least 20% of its area as pervious open space, with additional open space provided in the permanently preserved non-developable outlots located throughout the development. It was anticipated in the Orchard Pointe CDP that as site plans are finalized, some lots may either be required to add additional area or to secure an "interest" in the permanently preserved open space in the designated outlots within the Plat in order to achieve the required 35% open space.

As drawn, the site plan proposed for this Amendment Seven indicates that there is no decrease in the amount of open space on lots 3, 4 and 6 from what was previously approved. This development area has 24.3% of the site as open space.

Storm Water Management. This amendment does not propose any changes relating to the approved stormwater management design for Orchard Pointe. All of the lands in this portion of the project drain to the stormwater detention and infiltration basin located on Nesbitt Road. Consequently, these lots only need to satisfy City parking lot oil and grease treatment requirements.

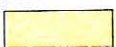


Attachment A

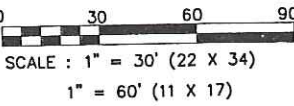


PLAN KEY

- 1 TRASH ENCLOSURE
- 2 4" PAVEMENT STRIPING WITH NON-EPOXY, TRAFFIC-GRADE PAINT
- 3 NEW 18" CURB & GUTTER
- 4 PAVING LIMITS
- 5 SAWCUT PAVEMENT
- 6 VAN ACCESSIBLE SIGN
- 7 ADD STAIRS ACCORDING TO GRADING PLAN
- 8 NEW LIMESTONE RETAINING WALL
- 9 NEW BICYCLE PARKING

PAVEMENT KEY

-  3" E.O.3 BITUMINOUS PAVEMENT OVER 8" BASE COURSE
-  5" SIDEWALK
-  6" CONCRETE PAVEMENT W/6X6 WWF, HEAVY DUTY



DATE 03-17-11	
ISSUANCE/REVISION PLAN COMMISSION	
818 N Meadowbrook Ln Waukegan, WI 53597 phone (608) 849-9378 fax (608) 237-2129	
<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"><div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: 1.2em;">PROFESSIONAL ENGINEERING</div><div style="font-size: 0.8em; margin: 0 5px;">LLC</div></div>	
FIRESTONE/ALDI CIVIL SITE PLAN	
FITCHBURG, WISCONSIN	
C101	

Attachment B

Attachment C

Revised: 21 March 2011, 11 April 2011 (per staff comments)

Comparison of Approved CDP and Proposed Amendment 7 Orchard Pointe Frontage Lots -- Fitchrona Road to Hardrock Road							
Development Parameter		Approved CDP (as of December 2009)		Proposed CDP Amendment		Notes and Description	
Land Use							
Lot 3		Specialty Retail	17,000 SF GFA	No Change	17,000 SF GFA	Building may be slightly smaller GFA. 17,000 allows for design flexibility	
		Future Upper Level Office	12,500	No Change	12,500 SF GFA		
Lot 4		Fast Food with drive-thru	3,000 SF GFA	No Change	3,000 SF GFA	Change of use. This would be upper level of building with entry(ies) toward the parking lot on Lot 4.	
Lot 6	Lower Upper	Discount Grocery	17,000 SF GFA	No Change	17,000 SF GFA		
		Specialty Retail	13,000 SF GFA	Tire Store	10,900 SF GFA		
Open Space		20% minimum on each lot 35% overall (possible arrangement to count portion of Outlots)		No change is proposed			
Parking							
		City Req'd MIN.	CDP MAX.	City Req'd MIN.	CDP MAX.	Note: Required City Parking Minimums for Retail Use is based on floor area devoted to retail sales. For this calculation however, 100% of Gross Floor Area is presumed to be devoted to retail sales unless specified in building plans Req'd Restaurant Parking is 6 stalls per 1000 GFA minimum	
Lot 3		Specialty Retail	57	56	Specialty Retail		57
		Future Second Floor Office Expansion	42	41	Future Second Floor Office Expansion	42	41
Lot 4		Fast Food with drive-thru	19	45	Fast Food with drive-thru	19	45
Lot 6		Second floor Specialty Retail	43	43	Tire Store	36	43
		Upper level Subtotal	161	185	Upper level Subtotal	154	185
		Discount Grocery	57	94	Discount Grocery	57	94
		Total	217	279	Total	210	279
*** Evaluation of the future office expansion above the retail space will require analysis and accomodation of adequate vehicle parking							
***There are 123 vehicle stalls provided in the "upper level" area							
Trip Generation		Afternoon Peak Hour Trips must be less than Cap established by Strand		No change is proposed			
Floor Area Ratio (FAR) (ratio of GFA to Lot Area)		0.25 to 0.28		No change is proposed			
Comparison of Proposed CDP Amendment and Proposed Site Plan							
Open Space		CDP		Site Plan			
	Total Site Area	Req'd 20% On-lot Minimum	Overall 35% Maximum	As shown on proposed Site Plan			
Lots 3, 4, and 6	209,337 Square Feet	41,867	73,268	50,869	24.30%	No Additional Open Space is required off-site	
Parking		Use	Minimum Maximum	As shown on proposed Site Plan			
Lots 3, 4 and Upper Level Lot 6		43,400 SF of Specialty Retail and potential future upper level office 3,000 SF Fast Food	154 185	123		*** Evaluation of the future office expansion above the retail space will require analysis and accomodation of adequate vehicle parking	
Trip Generation		Traffic Generation Caps set by Strand Report		CDP Planning Parcels including Proposed Site Plan			
		PM Peak Hour Trips		PM Peak Hour Trips			
CDP Planning Parcel 200 Includes Lots 3 & 4		594		465		Traffic projections are less than CDP Cap due to change in uses and GFA	
CDP Planning Parcel 800 & 900 Includes Lot 6		742		718			
Floor Area Ratio (FAR)						FAR does not exceed range set in CDP	

Rec'd 4/11/11-
e-mail from J. Bricken